Office of the Employer Adviser

Annual Report

2012-2013

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2012 - 2013

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INDEX

Page

A Message from the Director *1-2*

Part 1 OEA Mandate *3*

Part 2 Overview of WSIB Program and Activities *4-18*

Part 3 OEA Clients *19-24*

Part 4 Overview of Section 50 Program and Activities *25-26*

Part 5 Client Testimonials *27-29*

Appendix A: OEA Performance Measures 2012-13 ..... *30-32*

Appendix B: OEA Financial Report 2012-13 ..... *33-34*

Appendix C: OEA Organization Chart *35*

Contact Us *36*

A Message from the Director

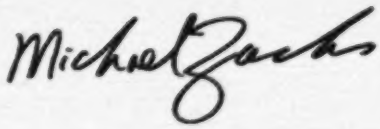
I am pleased to submit this report on the OEA's activities for 2012-2013.

The OEA continues to be second to none in providing advice, education, and training to small employers. Our clients remain highly satisfied with our services, and over ninety percent of our clients were willing to recommend the OEA to other employers.

During this reporting period we continued to build on our efforts to provide service to employers with less than 50 workers who were accused of an act of employment reprisal under the *Occupational Health and Safety Act*. We also continued with our commitment to educate employers in the construction industry about the Bill 119 changes to the Workplace Safety and Insurance Act by hosting Bill 119 webinars. These were well received. We also met with construction groups to provide in person training when requested.

The OEA endeavours to provide the best professional advice and representation services we can, and offer more comprehensive and current information on our website and through our electronic bulletins. Our Employer Guides for the construction and non-construction sectors are regularly updated so they remain relevant, making critical information more accessible to employers. And we continue to speak at numerous conferences and workshops on a variety of WSIB issues to ensure that employers have the current and necessary information they need to help them manage their WSIB obligations.

I wish to express my continued appreciation to our stakeholders whose ongoing support is critical to our success, and to my staff for their dedication and commitment to serving the employers of Ontario.



Michael Zacks
Acting Director

Part 1 OEA Mandate

The mandate of the Office of the Employer Adviser is established by Section 176(2) of the Workplace Safety and Insurance Act, 1997 ("the WSIA"),

... to educate, advise and represent primarily those employers with fewer than 100 employees, in issues arising under the WSIA.

In addition, in 2011, our mandate was increased, under the Ontario Occupational Health and Safety Act, Section 50, to include

... ***providing advice to Ontario employers facing reprisal charges at the Ontario Labour Relations Board (OLRB) – i.e. worker allegations that they have been unfairly treated by their employer after raising a health and safety issue - and representation at the OLRB for employers with fewer than 50 employees.***

Our vision and mission flow from these legislative mandates:

OEA VISION

An Ontario in which small and medium-sized businesses operate safe, fair and high-performing workplaces that contribute to a vibrant, competitive economy.

OEA MISSION

The OEA's mission is to be the premier organization for providing representation, advice and education to Ontario employers regarding workplace safety and insurance matters and health and safety reprisal issues.

The Director of the OEA is an Order-in-Council appointment. Michael Zacks, OEA General Counsel, was appointed by Ministerial letter, in 2004, to act in this position pending an Order-in-Council appointment.

Part 2 Overview of WSIB Program and Activities

Advisory Services

The OEA provides advice to help employers meet their obligations under the WSI (Workplace Safety and Insurance) system in a timely and cost effective manner, since workplace safety and attendant costs remains one of the key concerns for Ontario employers. Our advice is critical for employers to better understand a very complex program, avoid errors and ultimately to better safeguard their workplaces and their workers. Clients, through timely access to accurate information, can make informed decisions, obtain better business outcomes, increase their self reliance and avoid appeals.

Advice Centre personnel provide just-in-time counsel to all Ontario employers who have WSI questions or concerns; representation services are constrained by the OEA mandate to primarily serve employers with fewer than 100 employees. Having access through the Advice Centre to the expertise of the OEA's trained staff provides all employers with an equal playing field, enabling them to make good business decisions, avoiding costly mistakes, or incurring unnecessary penalties. Since the agency is funded by the WSIB (Workplace Safety and Insurance Board), no fees are payable by employers using our services, thus ensuring the ready availability of expert and confidential advice. This is especially important for small employers, since they typically do not have such expert resources available in-house.

The OEA Advice Centre is staffed by three Intake Advisers located in its Toronto head office, who take calls from Ontario employers about their workplace safety insurance concerns. Since the Advice Centre also accepts e-mail enquiries, employers can raise their issues, at their convenience, outside business hours; where warranted, these

queries often result in a return phone call from an Intake Adviser to discuss the matter in greater depth.

The agency's trained Intake Advisers provide advice that is detailed, thorough and tailored to the business realities of each client. Ranging in time from a couple of minutes to hours, depending on the complexity of the issue under consideration – e.g. how to obtain a WSIB form or perhaps the protocol involved in returning an injured worker to work or options with regard to responding to a classification change or premium increase – all employers' calls are dealt with in as timely a manner as possible. Clients appreciate the Advice Centre's emphasis on answering calls live – i.e. talking to them when they call in, whenever possible – so that the advisers work to the employer's schedules, providing prompt and complete advice.

Client satisfaction with services provided by the Advice Centre, as measured through random telephone surveys, is 100% for this fiscal year. Clients willing to recommend the services of the OEA to other employers is also 100%. These numbers are comparable to last year – 97% and 100% respectively – and are significantly higher than the 90% target levels. Being able to report this high level of satisfaction, year over year, is a source of great pride and satisfaction for the OEA. The calibre of the advice provided by the agency's staff and their commitment to serving callers' needs is obviously much appreciated by our clients.

Critical to these high satisfaction levels, we believe, is the agency's ongoing focus on dealing with employer enquiries as quickly as possible. During this reporting period 85.7% of all incoming calls went directly to an adviser, with the remainder responded to within one business day. The comparable figure for 2011-12 was 85.1%; both significantly exceeded the 70% target for 'answering calls live'. Getting such immediate access to expert advice means time saved for employers, and ensures that matters are addressed – and resolved – as soon as possible.

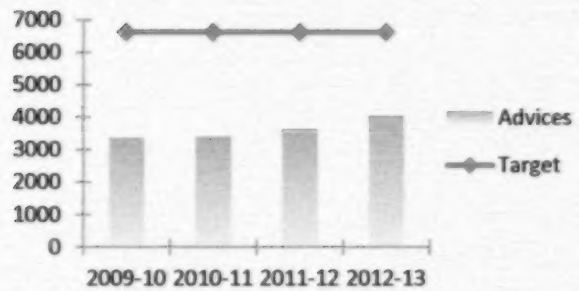
Similarly, e-mail enquiries are responded to on a priority basis, within one business day.

The OEA's sixteen regionally-located Employer Specialists are also available to provide advice. Many employers have come to know their local specialist through referrals from the WSIB, the Workplace Safety and Insurance Appeals Tribunal (WSIAT), health and safety associations, community and business groups, or existing and former OEA clients. As well as providing targeted advice, Employer Specialists routinely provide educational presentations for local community groups. Employers regularly establish on-going relationships with their regional representatives; as in other years, regional contact and increasing local presence is an outreach priority for the OEA.

Fiscal 2012-13 saw the instances of advice provided to Ontario employers by the call centre increase significantly over last year. This year's increase of 12.2% – 4,056 versus 3,616 for the last fiscal year – represents the third year of rising services numbers, after multiple years of declining use. It also aligns with the sustained provision of advices through other delivery channels and reflects the success of our ongoing investment in innovative outreach and marketing. More Ontario employers are becoming aware of the availability of OEA services.

Figure 1

Instances of Advice ('Advices') to Employers



Being able to provide the technical, one-on-one advice required by employers requires an ongoing commitment to the training of call centre personnel, which is provided through individual and group-level education. Given the variety of ways that Ontario employers can access the agency's advice services, it is more important than ever that agency staff is well informed and prepared.

One alternative delivery option is a 'web advice', which can be tracked through the use of Google analytics for the OEA website. This statistic reflects the use of the website by employers seeking comprehensive information about the WSI system and their obligations and rights. Available 24/7, during the current fiscal year the website delivered 6,432'web advices'; the comparable number for the last fiscal year was 6,782 not the number previously reported. Approximately 500-600 web advices per month have been provided over the last three years, which is a significant addition to those clients using the Advice Centre directly. The definition of a 'web advice' is: a user who spent more than 1 minute on the website *and* accessed more than 3 pages of web content, *and* excludes anyone leaving the website after just accessing the home page. Note that 'hits' on the website, which do not reflect this level of information-gathering, are ten times greater. These three 'web advice' criteria are stringent and serve to identify clients who are searching the OEA website, and getting the advice they require to address their concerns and inform their actions.

The website also allows clients to send in e-mail queries using an online form. E-mail queries sent to the Advice Centre were down 15.3% in 2012-13 (111 versus 131) over the previous fiscal year, after being up in the previous reporting period. This statistic appears to be quite volatile – but it appears that there is a 'natural' range for e-mail queries to be between 110 and 140. The fact that this is so low, and that 'web advices' are so high, would seem to speak to the accessibility of information on the OEA website – i.e. the easy search capabilities and access to well-organized problem-oriented information, means that employers can find answers for uncomplicated, employer

focused worker's compensation issues. And for more complicated issues, a call to the Advice Centre, using our toll-free line, is always an option.

Another indicator of the success of the agency's web-based education strategy is the number of advices provided in 2012-13 to clients who called the Advice Centre as a result of using the OEA website. The number of such advices this year was up to an all time high (four year's of data) of 264. The range for the last four years, since we started tracking this, is 180 to 264. Variability probably shadows Board policy changes and their complexity. There is no doubt that Bill 119, in force January 1, 2013, and its effect on independent operator status in the construction industry, has generated much interest and need for clarification for employers. Often the information about such changes on the website is generic and the need to know specifically how an individual employer is going to be affected generates the follow up call to the Advice Centre. Having this as an available option provides a valuable extension of services for employers. We will continue to track this statistic and expect that it will continue to reflect the complexity of WSIB policy change/implementation in any given fiscal year.

The OEA website organization into construction and non-construction focused portals, and intuitive and user-friendly, searchable, organization of information within those divisions, appears to be working for Ontario employers, and ensures, in conjunction with the availability of live Advice Centre service, that employers have ready access to the information they need, when they need it, to meet their WSI obligations.

As noted in previous reports, a small employer typically 'needs' advice services only once every seven or eight years or so. It remains a challenge for the OEA to be 'front-of-mind' as a primary resource for Ontario employers – increasing awareness in all business sectors of our free, expert and confidential services and sustaining awareness among our client community remain significant outreach challenges.

In 2012-13 the OEA continued to focus on informational sessions prc ·ided to stakeholder groups covering such things as the WSIB's Bill 119, the appeal process/es and other topics as they became relevant; webinars became our primary delivery vehicle this fiscal year. Plus, the OEA entered the "Twitterverse" this year and use of this social media channel is providing significant results. Additional detail about these efforts is contained in the "Value to Clients" section of this Report.

Analysis of the subject of the advice being provided shows that more inquiries continue to be about Revenue issues than anything else; at 40% this is higher than last year (33%), and the highest is has been for the last few years. As with previous fiscal reports, the second most important focus of concern was Claims Management, at 25% (down from 29% last year).

Return to Work remains a significant focus and Entitlement is the fourth most common area of inquiry, a consistent placement year to year. Figure 2, overall, is indicative of the workplace safety and insurance issues facing Ontario employers and their business priorities: specifically, such employer concerns as the premiums they are being charged to fund the system – including issues such as the rate group where they have been classified, the Board's remittance practices, independent operator status, etc. - and the widespread lack of knowledge in the employer community about their WSIA responsibilities.

Figure 2

Advice Issues 2012-2013

As noted, our clients are generally very satisfied with the services provided by the OEA, and it is felt that at least part of that satisfaction is due to the high percentage of Advice calls that are taken 'live'. This means that an Intake Adviser answers the phone immediately upon the employer placing a call to the Advice Centre, rather than having to leave a voice-mail and waiting for a return phone call at a time that may not be as convenient for the inquiring employer, or when the problem has resolved itself (either positively or negatively). The answer live rate was 85.7% for 2012-13, virtually identical to last year's 85.1% figure. In both reporting periods the Advice Centre significantly exceeded its target of answering 70% of calls live.

Workplace Safety and Insurance Representation Services

According to the OEA's mandate, the agency primarily represents employers with fewer than 100 employees in disputes arising under the WSIA, at both the WSIB and at the WSIAT (see Figure 5, page 19). At the operating level of the WSIB, representation services involve negotiation, which is provided by an Intake Adviser or by an Employer Specialist, by means of telephone calls and/or correspondence. At the two appeal levels (WSIB Appeals Branch and WSIAT), as well as in return-to-work or work re-integration negotiations, Employer Specialists provide the representation services. At this level, representation involves a range of activities, from negotiation to appearing at mediations or hearings with the employer and managing the case on their behalf.

The OEA, through its representation services, plays an important role in reducing conflict in the WSI system. OEA Intake Advisers and Employer Specialists maintain good working relationships with staff at the WSIB operating levels, and contact them early in a new case to discuss resolution options. All agency staff works with their WSIB counterparts to ensure that Ontario employers have high quality representation within the system. The agency continues to focus on reaching unrepresented employers, working with the Board to have referrals made to the OEA where appropriate. Staff involvement in such things as RTW (return to work) plans and negotiations ensures an equal footing for both workplace parties, and supports a solution that returns employees to the job in a timely, cost-effective manner, removing some strain from the system. Similarly, agency staff works closely with the WSIB Collections Branch, to facilitate the payment of premiums that are due and to ensure that employers pay their share in a way that complements their on-going business needs.

Negotiations continue to be a preferred interim resolution step, since they usually offer a faster, more efficient solution. Because employers need to, and have a preference for,

spending their resources on activities associated with direct contributions to their profitability, an appeal is usually the second-choice dispute resolution alternative. In response to this employer bias, the OEA continues to promote the early resolution of disputes. Performance Measure A1 (see Appendix A) reflects the agency's achievement in this effort: in 2012-13 the OEA resolved 67.6% of disputes without a hearing, exceeding the 65% target level, slightly lower than the 70% attained last year. Given that OEA staff have no direct control over whether an employer and/or worker agrees to a negotiated settlement, the agency is pleased with the way it is able to contribute to the lessening of conflict within the WSI system, through the resolution of so many disputes without a hearing.

While these efforts often successfully conclude cases at the operating level of the WSIB, some cases do proceed to appeal. Also, some employers do not learn of the availability of OEA (free) services until their case has progressed to the appeal stage. Of the 1,489 cases worked on in 2012-13, Employer Specialists represented employers in 211 cases that involved mediations/negotiations, which is approximately 2% lower than last year, when 249 mediations were completed. Whether cases proceed to appeal or not, agency staff always strive to resolve matters as soon as possible. In a system where 95% of appeals are worker-driven, OEA involvement improves balance in the system, ensuring that employers' perspectives and needs are being both represented and respected.

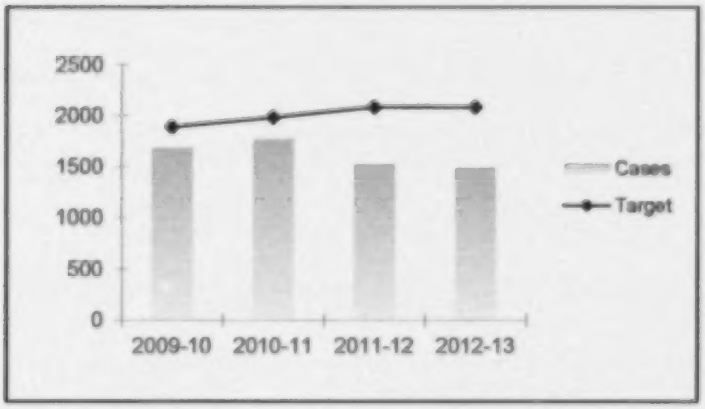
Further analysis of the 1,489 cases worked on during the 2012-13 reporting period reveals the following:

- 523, or 35%, were resolved, compared to 24% for last year;
- 532 cases, or 36%, were new in-year, comparable to last year's 540 new cases. The timelines to resolve employers' appeals continue to be long, reflected in the significant carryover of cases year to year;

- 26% had a successful outcome for the client, up slightly from last year's 23% figure. Note that many cases have multiple levels of results and appeals, and success at one level may be overturned at the next. The 26% figure for 2012-13 indicates the level of success across the various levels, and not final results, and accords with the inherent default for the system to favour the worker.

With regard to client satisfaction, 98.8% of employers surveyed indicated that they were satisfied with their OEA representation, virtually identical to last year's 99%; 98.8% also said that they would recommend our services to others, compared to last year's 100%. All are significantly higher than the target level of 90% and indicate an employer community that is very aware and appreciative of the work done on their behalf by agency staff.

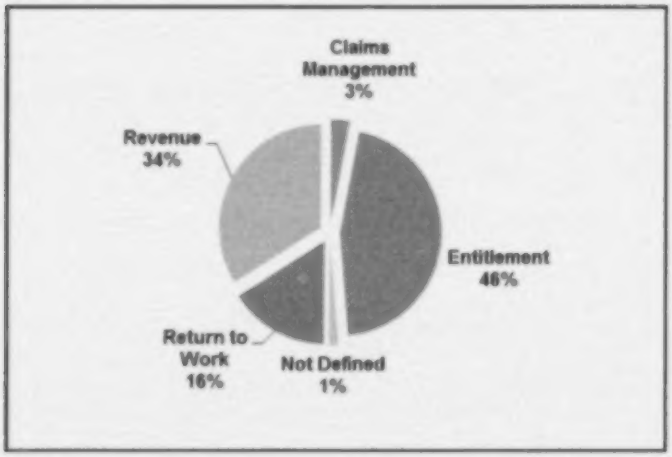
Figure 3
Cases Worked On, 2012-13



In comparison with the data for instances of advice, analysis of the representation issues shows Entitlement to be the number one concern of employers, not Revenue. Virtually identical with previous years, Revenue issues are second and Return to Work is also very significant, in third place, with Claims Management being the issue for only 3% of employers. These statistics are reflective of the areas having the biggest impact on employers, and where agency assistance can be of the most benefit to them.

Figure 4

Case Issues 2012-13



Education of Employers

As identified above, on average, a small employer has a workplace injury occur only once every seven or eight years. At the time of the injury, the employer's need for information about claims management and return to work is acute. Chances are, however, that most small business owners do not have the requisite information at their fingertips, since most of their time and resources are of necessity focused on business growth and profitability. Compounding this lack of information is the fact that few small employers have the time or available staff to attend seminars or education sessions, either when a need arises or on a pro-active basis.

Accordingly, the OEA's educational strategy evolved from one based on having employers attend intensive adult-education workshops, to a multi-channel approach which makes information available to employers in a format that is timely, relevant and accessible. The focus of the agency's education strategy in recent years has been to

ensure that employers expand their understanding of the WSI system as part of the representation process; posting useful information and tools on the OEA website; and assisting stakeholders with their education initiatives where appropriate. Within the last year, emphasis has been on providing webinars directly to interested parties, with registration being available via the OEA website. Twitter is also providing educational opportunities to reach stakeholders directly via social media.

In 2012-13, the OEA continued to meet the need in the employer community for additional information about Work Reintegration and Claims Management and Bill 119, which affects Independent Operators in the construction sector. The OEA continues to present on various topics when requested by various stakeholder groups and in 2012-13, 89 such presentations were provided. In addition, staff participated in 9 trade shows and symposia.

With the agency's focus on providing webinars directly to users rather than as a service to a stakeholder group, 11 were provided in-year – 10 OEA-hosted, and 1 for a stakeholder group with a total of 817 attendees. 2012-13 webinar topics included Bill 119, Appeals and Section 50. Webinars are proving to be ideal educational delivery vehicles, allowing for direct access to relevant information to employers at locations convenient to them, and with the least time commitment; once a particular 'live' webinar topic has been exhausted – i.e. it is no longer so timely for employers, or registration has waned – a taped version is posted on the website, ensuring the availability of that information when and as needed by Ontario employers.

Webinars also have the advantage of being cost and resource effective for the OEA. 2013-14 will see an expansion of the subjects addressed to broaden the information/education available to employers about WSIB policies and procedures. Webinars are the becoming the foundation for meeting the OEA education mandate.

The OEA has continued to provide 'live' presentations to stakeholder/employer groups, although its emphasis has shifted to restricting such participation to those with larger registrations. In all, the OEA had more than 2,687 attendees at an agency presentation/briefing/workshop (i.e. excluding webinars) during the 2012-13 fiscal year, an increase in attendance of more than 66% over the previous reporting period. The agency is reaching a significant number of Ontario employers, on an on-going basis and will continue to accept invitations to develop and maintain this educational channel.

One of the goals of the agency's representation services is to build self-reliance for employers within the WSI system, by making sure that they understand their roles and responsibilities under the Workplace Safety and Insurance Act. This includes teaching employers how to improve their claims management and return-to-work procedures, and how the WSIB's experience rating system works, so that employers will be more independent and knowledgeable in the future. Performance Measure A2 (see Appendix A) shows the proportion of OEA clients who used agency services for the first time in 2012-13. Approximately 50% of advices were provided to new contacts in 2012-13, the same as in 2011-12. The agency will continue to try to reach as many Ontario employers as possible through its education and outreach efforts.

On the representation side, 44% of the OEA's new cases in 2012-13 were first time clients, very comparable to last year's 45% achievement. We have experienced some volatility with this statistic, historically having variances between 14 and 74%; we anticipate that this year-over-year similarity indicates the continuing effect of outreach efforts, bringing more Ontario employers to the OEA on an ongoing basis.

In addition to the 'hands-on' education provided through casework, the OEA strives to meet the needs of its broad customer base by providing WSIB-related information through a variety of access/delivery mechanisms:

- Current content and notices of webinars, presentations and other meetings are maintained on the www.employeradviser.ca website.

- Monthly 'Director's Message' updates are posted on the OEA website.

- E-bulletins continue to go out to the OEA client database up to eight times per year in newsletter format.

- E-bulletins continue to be archived on the OEA website, with current e-bulletin content showcased as the most recent website updates. Employers using the site can sign up for e-bulletin subscriptions while visiting.

- The OEA maintains four versions of its very popular Employers Guide: two separate guides specifically targeted for Non-Construction and Construction employers are available in both English and French. Filled with information about such things as who should register with WSIB, how to do so, what an employer's rights and responsibilities are under the WSIA, etc., the guides serve as employer-group specific ready references for soon-to-be employers as well as those engaged in small to medium sized businesses. The construction/non-construction separation is reflected in the website setup, and ensures that employers can find information for their business type easily. In 2012-13 approximately 2,215 Employers Guides – 976 Construction and 1,239 Non-Construction – were provided to Ontario employers. This is significantly fewer than last year's distribution (3,560) and reflects the agency's commitment to web-based delivery – the guides are available in their entirety on our website/s – and our decision to cut back on distribution of the hard copy editions due to high production costs.

Part 3 OEA Clients

Since the OEA's mandate is to serve primarily those employers with fewer than 100 workers, the merit review undertaken before the OEA represents an employer includes determining their size. In fiscal 2012-13, 9% of clients provided with agency representation had more than 100 employees.

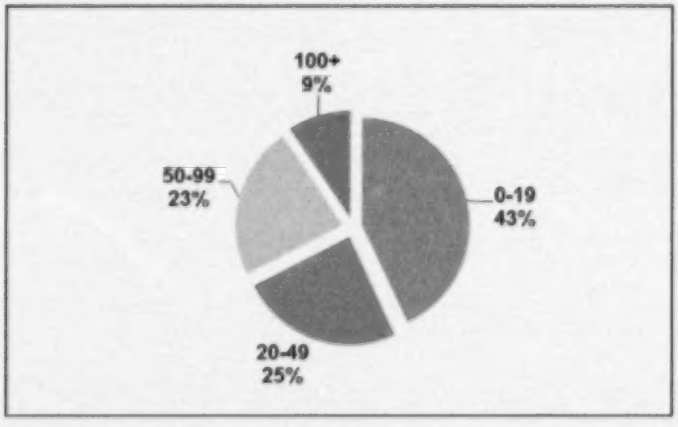
It is not administratively viable to screen employers contacting the call centre in order to deny advice to those with more than 100 employees; and permitting access to advice to all Ontario employers is also accepted as beneficial to the system, overall. Thus 17% of all advices for 2012-13 were provided to employers with 100 plus employers. This is similar to last year's figure of 20%.

The OEA will continue to provide advice services to as many of Ontario employers as contact us.

Figure 5

Breakdown of OEA Representation Clients by Company Size (number of employees)

2012-13



The sectorial analysis below is based upon WSIB classifications. The breakdown is consistent with the prevalence of small to medium sized employers in the different industry sectors. The construction industry continues to be the agency's largest client

group at 35%, comparable to the last reporting period, indicative of the significant impact of changes in Board's policies, pending and implemented, on this sector. Other sectors are little changed from previous reporting periods, mirroring the overall business distribution of Ontario employers.

Figure 6

Breakdown of OEA Clients by WSIB Industry Sector

2012-13

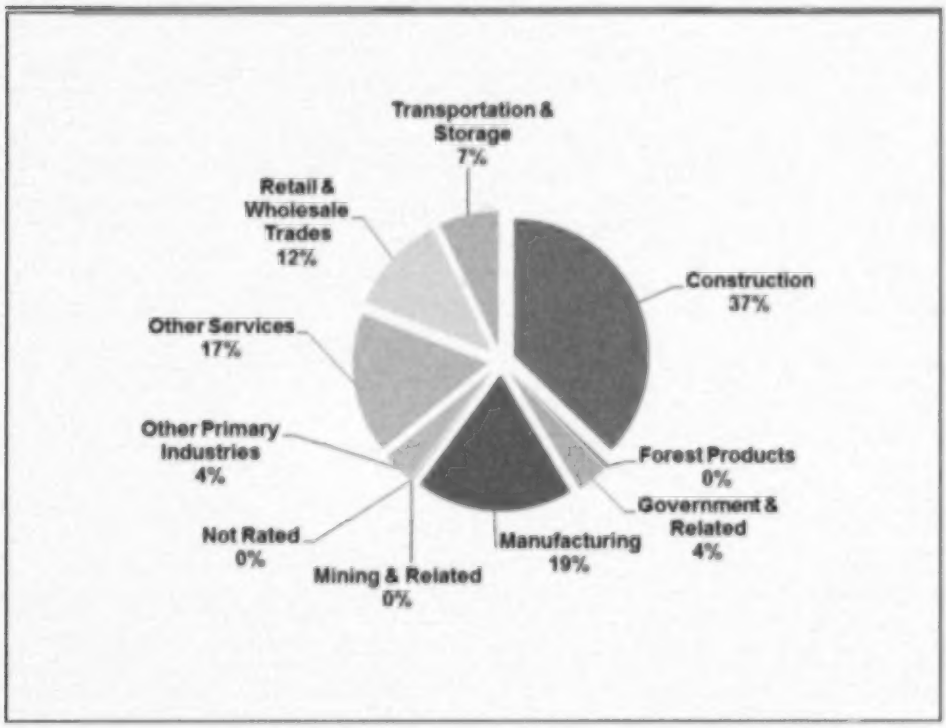
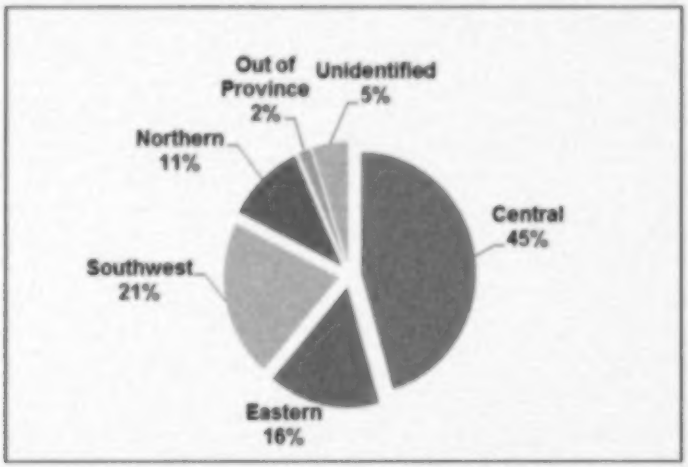


Figure 7 provides the breakdown of the regional distribution of OEA clients for 2012-13. Service delivery appears to reflect the population and business demographics of the province, with the Central area, which includes the Greater Toronto Area, comprising the largest client group. The distribution is little different from last year, except that Central has increased to 51%, from 45%, and Eastern has decreased from 16% to 13%. The agency's location of Employer Specialists around the province enables the provision of representation services to employers in their local area, as required.

Figure 7
Breakdown of OEA Clients by Location
(Postal Code)
2012-13



Value to Clients

While we consider that we have made significant progress in heightening the profile of the OEA, and increasing awareness of our services in the Ontario employer community, there remains much to be done. Consistently, still, when asked as part of our on-going client satisfaction surveys, employers tell us that we provide great services, but not enough people know about us. There clearly is an on-going need for more employers to learn of the availability of the agency's key workplace safety and insurance services provided free-of-charge to Ontario employers.

The OEA's many outreach activities have been designed to address this need. The number of advices provided to employers continues to rise, so we feel we are on the right track.

Activities during the 2012-13 reporting period included:

- The continued placement of informational newspaper ads. Down from 7 last year, only 3 ads were placed this year, all in construction-specific publications. We are evaluating the on-going use of ads – where they should optimally be placed; whether multi-language ads would help reach a more diverse employer community; how the ads complement our focal outreach strategies; and whether we should be using ads at all, rather switching to a completely electronic/social media-based approach.
- Additions to the employer groups who receive articles on workplace safety and insurance related topics to distribute to their members on a regular, on-going basis. The Hamilton, Sarnia, Durham, Toronto and Ottawa Construction Associations are all new groups on our 'articles of interest' distribution list, as is Yum Canada (the corporate entity for KFC, Pizza Hut and Taco Bell). These newcomers join such associations as the CGA, ORHMA (restaurants and hotels), and OCSA (convenience stores), as well as Tim Hortons, Wal-Mart and Coffee Time, already participants in our program.
- Participation in nine trade shows and symposia hosted by various employer groups and associations. This included the agency's continued involvement in regional safety association tradeshows.
- Continuation of focus on the construction sector. Additional extra outreach efforts were targeted at the service and manufacturing sectors. Advices to the construction sector were up 25%; manufacturing was down approximately 7%, in spite of our efforts, but the service sector did increase by 22%, indicative of significant success, overall for 2012-13. These sectors, plus our role in Section 50 disputes under the Ontario Occupational Health and Safety Act, will continue to be primary targets for outreach activities in 2013-14.

- In total, more than eighty-nine presentations on such topics as work reintegration Bill 119, claims management and introductions to both the WSIB and OEA were provided to various stakeholder and employer groups by OEA staff. Our focus for 'live' presentations has shifted to those offering larger audiences: more than 2,687 employer representatives attended our presentations this year, significantly more than the 1,440 who participated last year.
- Distribution of more than 1,500 of 'Appeals' bookmarks. These bookmarks outline the services available from the OEA with regard to the WSIB appeals process. They are primarily used by the WSIAT as an enclosure in their mailings to employers about their upcoming Appeal.
- 1,239 Non-Construction and 976 Construction Employers Guides were distributed, mostly through one-on-one meetings and trade shows. As noted, this is a very costly publication, and its distribution is being severely curtailed; All guides are available, in their entirely, on the agency's website/s. The Guides remain a very important vehicle to get key information into employers' hands, in an easily accessible format.
- OEA hosting of webinars. Ten webinars were presented in-year – up from only three last year. The topics were: Bill 119 (5); Appeals (3) and Section 50 (2), with a total of 817 participants. Webinars are significantly increasing the number of clients we can educate, in a very cost effective way. More webinars, covering a more diverse selection of topics, are in the works for 2013-14. As noted, taped versions of webinars are now being posted on the OEA website, once 'live' presentations have ceased being scheduled.
- Website usage continues to be a strong driver for OEA business. The website was revised in 2012-13, to use more easily accessible and affordable technology. Content continues to be added and revised, on an on-going basis.
- Twitter. The OEA went live on Twitter on January 8th, 2013. By the end of the 2012-13 fiscal year, 89 tweets had been posted and the agency had achieved 'follower' status for close to 700 users - over 600 English and 85 French. In addition, the OEA was following 1,993 individuals and companies. The number

of re-tweets is increasing, and we anticipate that this step into the world of social media will be very rewarding, and worthwhile in attracting more employers to the OEA, as well as providing on-going education to the general public.

Finally, in 2012-13, the agency continued to track OEA 'savings' - i.e. money saved by a client employer as a direct and immediate result of the agency's involvement. Savings include such things as a favourable appeal outcome which reversed a decision of original entitlement; or a change to a classification ruling made in an employer's favour, etc. Savings amounted to more than $1,518,920 in fiscal 2012-13. These savings figures represent a very significant contribution to the bottom-line for Ontario's small-employer community. Note that these amounts are straightforward totals of one-time savings from rebates or credits or charges not-incurred. They do not include any projection of future or ongoing savings based on these favourable outcomes, so the ongoing benefit is far in excess of the numbers being reported.

The OEA will continue to monitor its effectiveness with regard to its clients' out-of-pocket costs and savings.

Part 4 Overview of Section 50 Program and Activities

Advisory and Representation Services

As of April 1, 2012, the OEA became responsible for the provision of advice and representation services for Ontario employers facing Section 50 complaints under the Ontario Occupational Health and Safety Act. This fulfilled a recommendation made under the 2010 Dean Panel report.

A new website was created, dedicated to education for Ontario employers re the Occupational Health and Safety Act and their obligations to workers when issues under the Act were identified. In addition two webinars covering this topic were offered – with an attendance of over 230 in total, there appears to be significant interest in the topic. Other webinars will be offered on an ongoing basis, in response to this demand.

And 8 in-person presentations have been given to employer health and safety groups, most located in and around the GTA area, although Barrie and Orillia have also been included. Some other scheduled presentations were of necessity cancelled when a conflict arose re a hearing or mediation date. Continued outreach is a focus for 2013-14.

With one Employer Representative, the OEA provided significant services to the employer community in 2012-13:

- 15 case-specific enquiries (advices) were provided, most for employers exceeding the 50 worker maximum size limit. Of these, 4 were associated with a Ministry of Labour (MOL) referral (i.e. through the regional MOL inspector); and 11 were independent of a referral from an inspector. The non-referral enquiries heard of the OEA service though the OEA ebulletin (6), the OEA website (2), MOL/OLRB staff (2) or an existing client (1).

- 49 representations (cases) were undertaken, only 3 of which were not resolved in-year.
- Of the 46 resolved cases, approximately 75% were settled. Settlements ranged from simple provision of a Letter of Employment to a monetary payment of $8,000. In most settled cases, the employer got a full and final release of any and all claims arising from employment or the termination thereof.
- In the remaining 25% of cases:
    - the worker voluntarily withdrew (2)
    - a preliminary motion re lack of prima facie case resulted in dismissal (4)
    - dismissal resulted from abandonment when the worker failed to show for the hearing (6)
- No cases had yet to be argued at a full hearing, as of the end of the current reporting period.
- Geographically, the case distribution ranges from South Porcupine to Windsor to Cornwall to Ottawa. It is worth noting that since most of the reporting period occurred prior to the full roll-out to the MOL inspector group, the distribution was likely heavily influenced by the location of the inspectors participating in the initial pilot project.

This is our initial assessment of our Section 50 efforts; additional analysis will be undertaken and provided in next year's report.

Given the volume of cases, and the attendant requirement for quick turnaround it was decided at the end of 2012-13 that another Employer Representative was required, and hiring was initiated.

Part 5 Client Testimonials

We are pleased to provide the following excerpts from communications received from OEA clients, commenting on the services they received from its staff; note that no spelling amendments have been made to the quotes:

"Thank you for taking the time to speak at our XXX Symposium last week. I personally learned a lot about the services you offer and will be sure to share with my clients who are experiencing 'interesting" WSIB claims and appeals or s.50 issues. I did take a quick look at the OEA website, and hadn't realized how many resources were available Thank you…we really appreciated it!"

T.M.
London

"I was extremely pleased and surprised at the level of service I received. [OEA staffer] was very knowledgeable, courteous and customer focused and assisted us over an extended period of time with the preparation of an appeal…..I wanted to pass on my thanks for the assistance we received from the Office of the Employer Advisor and specifically to commend [OEA staffer] for her outstanding customer service."

J.B.
Whitby

"The work done by the "office of the Employer Advisor" is invaluable to small businesses in the Province of Ontario.
Specifically, I would like to thank you and your staff…. For your professional assistance in a very complex WSIB matter. XXX could not have got the results it did without your office. I am absolutely convinced that your office is required for small business to understand the WSIB process, policy and general complexity."

G.L.
Clinton

"It was nice to speak to someone who had as much knowledge on the subject as yourself, and the ability to explain things thoroughly and with clarity…. Once again thanks for your patience and professionalism."

L.G.
Lake Couchiching

"We received mail today that we won our appeal!!....While I was in no doubt that we were in the rights, it is a relief to see it in print. Thank you SO much for navigating the system for us … undoubtedly we would not have been able to accomplish this success on our own."

A.A.
Ottawa

"…I, along with my staff, wanted to thank you for your time and assistance in delivering, to various …. staff, a very well and informative presentation on Bill 119 and its implications for [us]. We may call you on your expert advise on this subject. The survey feedback from the attendees was highly positive in all categories."

E.C.
Toronto

"I received the final decision of the XXX appeals case, and was very pleased with the final result. You had prepared a full and comprehensive review of the facts, that really went in depth….Should I required further assistance from the Office of the Employer Advisor I would feel very comfortable if you were the person assigned to my case."

M.D.
Sudbury

"Thank you for forwarding your submission. It's fantastic! Whatever the outcome, I want to thank you for all of the time and effort you put into this case. There's no doubt in my mind that you are great at your job."

B.D.
Mississauga

"Thank you for your help. I am very impressed that you promptly returned my inquiry. You were very helpful and courteous… this is what big business and government should be like!!"

C.T.
Sudbury

"Congratulations, good work [OEA staffer]!
You've done more for us in this case than we would have done in a life-time on our own."

N.H.
Carp

Appendix A: OEA Performance Measures 2012-2013

Key Activities: Advice and Representation Services — A1

Performance measure for 2012-2013: Percentage of disputes resolved without a hearing

Percentage of Disputes Resolved without a Hearing

	2010-2011	2011-2012	2012-2013	2013-2014
Disputes - No Hearing %	69%	70%	68%	
Target	70%	70%	65%	65%

Agency Contribution

OEA staff employs alternate dispute resolution strategies such as negotiation and mediation to help employers resolve disputes at an earlier stage.

In revenue matters where the dispute only involves two parties (i.e. the WSIB and the employer), every effort is made to resolve matters at the operating level. However, 95% of appeals are worker-driven and employers often contact the OEA for assistance after the dispute has proceeded to the appeal level. This limits the target that can realistically be achieved.

What does the graph show?

While the OEA consistently contributes to the reduction of adversity in the workplace safety and insurance system and helping employers to manage disputes more efficiently and effectively, the measure is not directly controlled or controllable by the OEA. Ultimately, since most appeals are worker-driven and employers have the final decision on whether or not to settle prior to a hearing, this measure will fluctuate according to employer climate and issues in any given year. This performance measure is consistently between 65-70%, indicating that the OEA continues to help a substantial number of employers prior to the hearing stage.

2012-13 Commitments

The commitment for 2012-13 was 70% of disputes resolved without a hearing, which was almost met.

Long-term Target

The long-term target is 70%

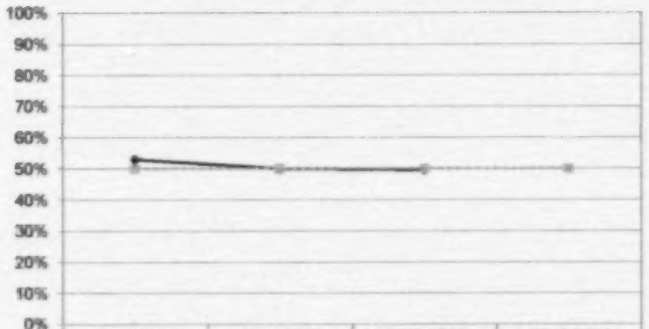
○ Proposed for Publication	○ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2012-2013

Key Activities: Advice and Representation Services — A2

Performance measure for 2012-2013: Percentage of clients served in year that used OEA services for the first time.

Percentage of New Clients Served



	2010-2011	2011-2012	2012-2013	2013-2014
New Clients	53%	50%	50%	
Target	50%	50%	50%	50%

Agency Contribution

Client feedback consistently calls on the OEA to ensure that more employers are aware of our services. The OEA also strives to ensure that employers become more self-reliant through casework.

This measure helps to determine whether we are expanding our reach to those eligible employers who are paying for OEA services in their WSIB premiums, but who have not previously accessed our services.

What does the graph show?

The OEA's outreach efforts are allowing the agency to reach new clients, ensuring that more Ontario employers avail themselves of the agency's free, expert and confidential services.

2012-13 Commitments

The commitment for 2012-13 was 50% new clients served in year. This target was met.

Long-term Target

The long-term target is 55%.

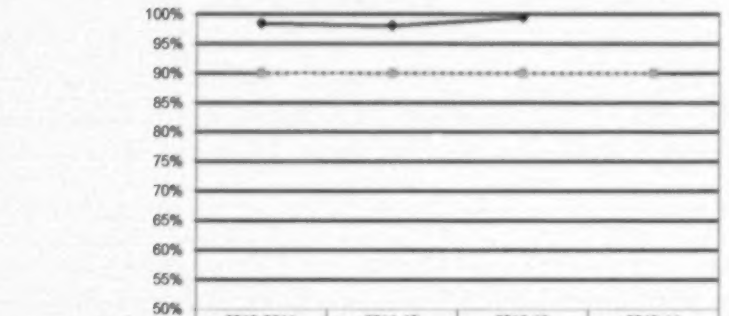
❍ Proposed for Publication	❍ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix A: OEA Performance Measures 2012-2013

Key Activities: Advice and Representation Services — A3

Performance measure for 2012-2013: A customer satisfaction rate of 90% or higher.

Percentage of Satisfied Clients



	2010-2011	2011-12	2012-13	2013-14
Satisfied Clients	98%	98%	99%	
Target	90%	90%	90%	90%

Agency Contribution

The primary complaint heard by agency staff is that employers were not aware of its services sooner. Most employers using the agency's services are very satisfied with the services they receive.

In addition to OPS customer service standards, the OEA has a number of internal standards, policies and performance measures, including those for telephone services and for file review, client follow up, etc., to maximize the service experience of OEA clients. The OEA's case management system was designed to provide tools to OEA staff that help them monitor and meet these expectations.

What does the graph show?

OEA clients are very satisfied with the service they receive.

Note that this graph shows the combined rate for both OEA business streams – Advice Centre and Employer Representation.

2012-13 Commitments

The commitment for 2012-13 was a 90% client satisfaction rate. This target was exceeded.

Long-term Target

The long-term target is 90%.

❍ Proposed for Publication	❍ Internal Use Only	☒ Existing Measure	☐ New Measure

Appendix B: OEA Financial Report 2012 –2013

All Figures in $000.0 thousand (except "% of Variance" column)

Account	Final Budget *	Total Actual Expenditures **	Variance	% Variance	Explanation
Salaries & Wages	2594.7	2,455.7	139.0	5.4	*Not full FTE complement*
Benefits	596.8	606.6	(9.8)	-1.6	
Transp. & Comm.	154.2	119.6	34.6	22.4	*Discretionary spending controlled*
Services (incl. Lease)	407.1	351.1	56.0	13.8	*Discretionary spending controlled*
Supplies & Equip.	92.3	18.5	73.8	79.9	*Discretionary spending controlled*
ODOE	653.6	489.3	164.3	25.1	
Transfer Payments	0.0	0.0	0.0		
Total	**3,845.1**	**3,551.6**	**293.5**	**7.6**	
Recoveries	**(3,844.1)**	**(3,551.5)**	**(292.6)**		
TOTAL	**1.0**	**0.1**	**0.9**		

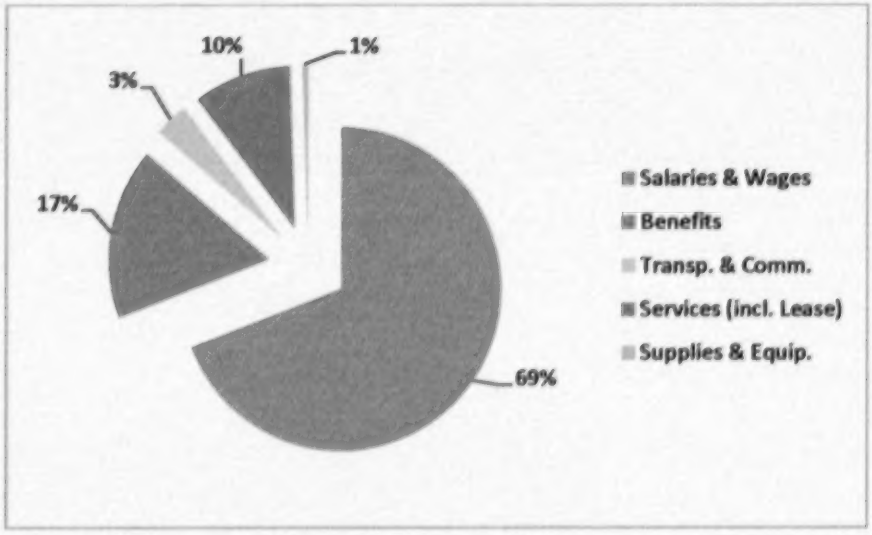
- * Final Budget = Printed Estimates, +/- TBO and/or re-alignment of funds by standard account.

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Not applicable					

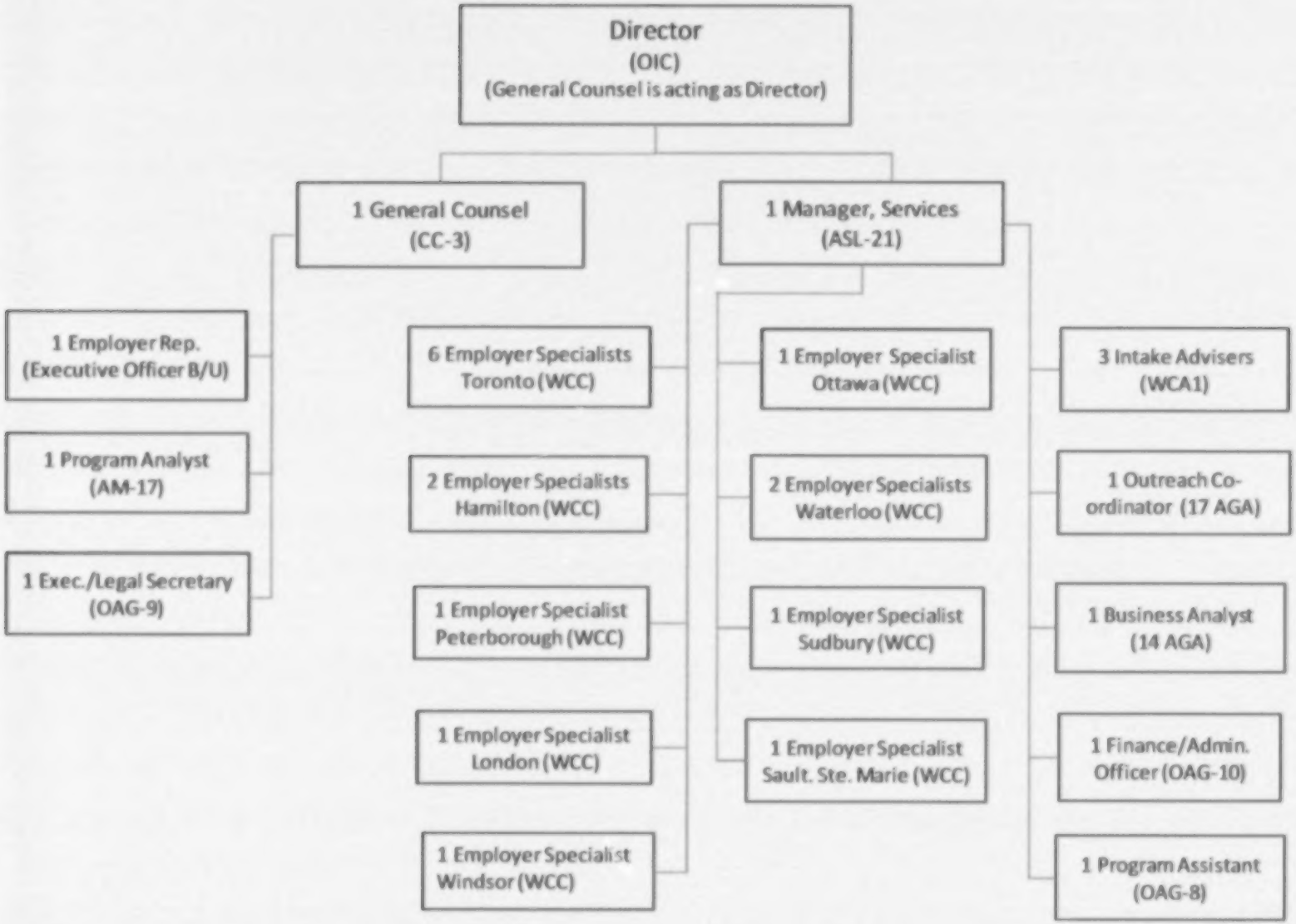
- ** Total Actual Expenditures including lease cost.

Figure 8

2012-13 Budget Actuals



Appendix C: OEA Organization Chart



*An OIC appointment has not been made to the OEA and the General Counsel is currently acting as the Director.

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